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09/224,211	12/30/1998	JACK WASSOM	06975/033001	3985

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EXAMINER

HUYNH, BA

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 40

Application Number: 09/224,211
Filing Date: December 30, 1998
Appellant(s): WASSOM ET AL.

Scott R. Boalick
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/16/04.

(1) *Real Party in Interest*

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A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is incorrect due to a typographical error in par. 1 of the Office action paper #29. A correct statement of the status of the claims is as follows:

Claims 1, 2, 4-¹⁹~~5~~, 24-30, 32-47, 52-78 are pending in the application.

Claims 3, 20-23, 31, 48-51 were been canceled.

Claims 1, 2, 4-¹⁹~~5~~, 24-30, 32-47, 52-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,966,533 (Moody), in view of US patent #5,956,029 (Okada et al).

This appeal involves claims 7, 8, 35, and 36.

(4) *Status of Amendments After Final*

This application contains an amendment after final rejection filed on 9/11/03. The after final amendment has not been entered because it fails to simplify the issue on appeal by introducing new limitations to numerous dependent claims (i.e., claims 2, 4-5, 9-19, 24-27, 30, 32, 33, 37-47, 52-55, 58, and 60)

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

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(6) Issues

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows:

Whether claims 7, 8, 35 and 36 being obvious over Moody '533 in view of Okada '029.

(7) Grouping of Claims

Claims 7 and 8 depend on claim 6 which in turn depends on claim 1. Similarly, claims 35 and 36 depend on claim 34 which in turn depends on claim 29. No claim depends on claim 7, 8, 35, or 36.

Appellant's brief includes a statement that claims 8 and 36 stand or fall together as a group, claims 7 and 35 stand or fall together as another group, and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Claims 1, 2, 4-6, 9-19, 24-30, 32-34, 37-37, and 52-78 are not presented for appeal as set forth in par. 6 of the Brief and no argument have been provided for these claims.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,966,533	Moody	10/1999
5,956,029	Okada et al	9/1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

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Appeal claims 7, 8, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,966,533 (Moody), in view of US patent #5,956,029 (Okada et al). This rejection is set forth in prior Office Action, Paper No. 29. Copy of the rejection for the appeal claims is provided below. Because the appealed claims are dependents of rejected claim, copy of the rejection includes a direct cut and paste modification of the rejection. No new ground of rejection or new argument has been introduced.

As for claims 8, 36: (Claims 1, 29) Moody teaches a computer implemented method and corresponding system for regulating user interface control (1:62-66), comprising the steps/means for:

accessing a maturity level (age group, 1:67) for the user in a database based on a user identity (7:2-35; figure 6),

automatically associating a grouping with the user identity by selecting a grouping from among a plurality of groupings based on the maturity level for the user (1:67 – 2:24; 3:54-63; 7:46-51),

automatically providing a set of user interface controls corresponding to the identified grouping (2:6-23; figure 3-5).

Moody fails to clearly teach the receiving a user identity for the user. However it appears that the receiving user identity step is implicitly included in order for the system to generate different interface for different user age group (see 7:46-52). Even if it is not, implementation of receiving user identity is well known in the art of access control and log-in procedure. It would have been obvious to one of skill in the art, at the time the invention was made, upon reading of

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Moody to combine the well known method of receiving user identity to Moody. Motivation of the combining is for identifying the user characteristic for the conversion.

Moody fails to clearly teach that the set including a toolbar. However in the same field of user interface conversion for different groups of users, Okada et al teach the implementation of customizable user interface elements, including a toolbar (4:55-56; 10:12-20, e.g., the print, view, search, and navigation icons in figures 16, 23-26) based on user age (2:26-30). It would have been obvious to one of skill in the art, at the time the invention was made, to implement Okada's teaching of the customizable toolbar to Moody. Motivation of the implementation is for the advantage of having predefined functions represented in the toolbar.

(Claims 8, 36) Per Okada, existing user interface control can be replaced by new user interface controls (figures 12-26).

As for claim 7, 35: (Claims 1, 29) Moody teaches a computer implemented method and corresponding system for regulating user interface control (1:62-66), comprising the steps/means for:

accessing a maturity level (age group, 1:67) for the user in a database based on a user identity (7:2-35; figure 6),

automatically associating a grouping with the user identity by selecting a grouping from among a plurality of groupings based on the maturity level for the user (1:67 – 2:24; 3:54-63; 7:46-51),

automatically providing a set of user interface controls corresponding to the identified grouping (2:6-23; figure 3-5).

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Moody fails to clearly teach the receiving a user identity for the user. However it appears that the receiving user identity step is implicitly included in order for the system to generate different interface for different user age group (see 7:46-52). Even if it is not, implementation of receiving user identity is well known in the art of access control and log-in procedure. It would have been obvious to one of skill in the art, at the time the invention was made, upon reading of Moody to combine the well known method of receiving user identity to Moody. Motivation of the combining is for identifying the user characteristic for the conversion.

Moody fails to clearly teach that the set including a toolbar. However in the same field of user interface conversion for different groups of users, Okada et al teach the implementation of customizable user interface elements, including a toolbar (4:55-56; 10:12-20, e.g., the print, view, search, and navigation icons in figures 16, 23-26) based on user age (2:26-30). It would have been obvious to one of skill in the art, at the time the invention was made, to implement Okada's teaching of the customizable toolbar to Moody. Motivation of the implementation is for the advantage of having predefined functions represented in the toolbar.

(Claims 6, 34) Per Okada, existing user interface control can be replaced by new user interface controls (figures 12-26).

(Claims 7, 35) Per Okada, existing user interface controls can be added to the customized user interface (10:21-26; figures 17, 18, 26, 27).

(11) Response to Argument

The appellants argue that combined teaching fails to disclose changing an existing collection of controls by removing or adding a user interface control to the existing collection of

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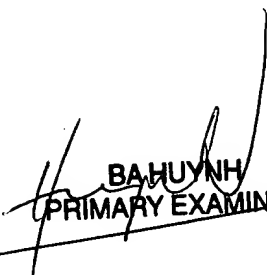
user interface controls. Specifically, the appellants argue that the user interface elements are neither added nor removed, but merely change their presentation format. In response to the argument, the replacing of user interface element is clearly disclosed by Okada in figures 12-27. In figure 13 for example, the elongated scroll bar is removed and replaced by the Up/Down buttons. In figure 14, a list box is removed and replaced by a plurality of buttons. In figure 26, sound effect is added. Also in figure 27, the conventional scroll bar was removed and a new scroll bar with voice component is added (10:27-34). In each of the example, program codes for implementing each respective function are removed and/or added to the existing program codes. In figures 26 and 27, the added sound to the interface elements provides different functions and effects to the user. Similarly Moody teaches the changing of the interface element by removing a child elementary Drag interface with simple programming code to a more advance engineering Snapping Drag operation with completely new functionality and programming code (Moody's 6:6-43). Thus the cited references, either individually or in combination, teaches the removing/adding of user interface elements to the existing user interface elements.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

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March 8, 2004



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